

**FILED**

**JUN 04 2018**

**Clerk, U S District Court  
District Of Montana  
Billings**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION**

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**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**ERIC WAYDE MITCHELL,**

**Defendant.**

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**CR 17-107-BLG-SPW**

**FINAL ORDER OF FORFEITURE**

This matter comes before the Court on the United States' Motion for Final Order of Forfeiture. Having reviewed said motion, the Court FINDS:

1. The United States commenced this action pursuant to 18 U.S.C. § 924(d);
2. A Preliminary Order of Forfeiture was entered on February 9, 2018 (Doc. 26);
3. All known interested parties were provided an opportunity to respond and that publication has been effected as required by 18 U.S.C. § 982(b)(1) and 21 U.S.C. § 853(n)(1);

4. Wayde Mitchell filed a valid claim on April 16, 2018 (Docs. 41 and 42);

5. The defendant conceded the forfeiture of his interest, right, and title to the property at the sentencing hearing on March 15, 2018;

6. There appears there is cause to issue a forfeiture order under 18 U.S.C. § 924(d);

It is therefore ORDERED, DECREED, AND ADJUDGED that:

1. The Motion for Final Order of Forfeiture as to the defendant's interest in the property is **GRANTED**.

2. Judgment of forfeiture of the following property shall enter in favor of the United States pursuant to 18 U.S.C. § 924(d), free from the claims of any other party:

- Colt, model Colteer 1-22, .22 L.R. single-shot bolt action rifle (no serial number);
- Remington, model 572 .22 caliber slide-action rifle (no serial number);
- H&R 1871 (New England Firearms), model Sportster, .17 HMR caliber break-action rifle (serial number NV212701);
- Ruger, model M77 mark II, .22-250 caliber bolt-action rifle (serial number 785-04006);
- Glock, model 23 .40 S&W caliber semi-automatic pistol (serial number ACZ779 US);
- Smith & Wesson, model M&P 15-22, .22 LR caliber semi-automatic rifle (serial number DZA9985); and
- Ruger, model SP101, .357 Magnum caliber revolver (serial number 573-83037)

IT IS FUTHER ORDERED that:

1. Wayde Mitchell's petition (Docs. 41 and 42) is **GRANTED**. The Bureau of Alcohol, Tobacco, Firearms, and Explosives is to return the following property to Wayde Mitchell:

- Remington, model 572 .22 caliber slide-action rifle (no serial number);
- H&R 1871 (New England Firearms), model Sportster, .17 HMR caliber break-action rifle (serial number NV212701);
- Ruger, model M77 mark II, .22-250 caliber bolt-action rifle (serial number 785-04006);
- Glock, model 23 .40 S&W caliber semi-automatic pistol (serial number ACZ779 US);
- Smith & Wesson, model M&P 15-22, .22 LR caliber semi-automatic rifle (serial number DZA9985); and
- Ruger, model SP101, .357 Magnum caliber revolver (serial number 573-83037)

Dated this 4<sup>th</sup> day of June, 2018.



SUSAN P. WATTERS

United States District Court Judge